

An Act

ENROLLED SENATE
BILL NO. 235

By: McCortney of the Senate

and

Johns of the House

An Act relating to professions and occupations; amending Sections 11 and 15, Chapter 407, O.S.L. 2013, as amended by Sections 6 and 9, Chapter 373, O.S.L. 2014 (59 O.S. Supp. 2018, Sections 1350.10 and 1350.14), which relate to the Bail Enforcement and Licensing Act; directing applicants to submit nonrefundable fee for late renewal applications; adding exception to certain nondisclosure requirement; amending 59 O.S. 2011, Sections 1750.3A, 1750.5, as last amended by Section 11, Chapter 373, O.S.L. 2014, 1750.6, as last amended by Section 1, Chapter 398, O.S.L. 2014, 1750.7 and 1750.8 (59 O.S. Supp. 2018, Sections 1750.5 and 1750.6), which relate to the Oklahoma Security Guard and Private Investigator Act; directing administration of certain psychological evaluation for armed private investigator license applicants; clarifying which individuals are exempt from psychological evaluation requirements; prohibiting the Council on Law Enforcement Education and Training (CLEET) from issuing or renewing certain licenses for applicants who have been involuntarily committed; stating permanent preclusive period; providing an exception; clarifying requirements for issuing conditional licenses to certain persons; modifying and adding qualifications for issuing security guard and private investigator licenses; increasing fee amount for duplicate licenses; modifying and adding conditions that may subject a licensee to denial, suspension, revocation, disciplinary penalty or fine by CLEET; modifying and adding conditions that may subject an agency license to denial, suspension, revocation,

disciplinary penalty or fine by CLEET; adding exception to certain nondisclosure requirement; and providing an effective date.

SUBJECT: Professional and occupational licensing

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 11, Chapter 407, O.S.L. 2013, as amended by Section 6, Chapter 373, O.S.L. 2014 (59 O.S. Supp. 2018, Section 1350.10), is amended to read as follows:

Section 1350.10. A. 1. Application for a bail enforcer license shall be made on forms provided by the Council on Law Enforcement Education and Training and shall be submitted in writing by the applicant under oath. The application shall require the applicant to furnish information reasonably required by the Council to implement the provisions of the Bail Enforcement and Licensing Act, including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record, including, but not limited to, a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

2. Upon request of the Council, the Oklahoma State Bureau of Investigation and other state and local law enforcement agencies shall furnish a copy of any existent criminal history data relating to an applicant to enable the Council to determine the qualifications and fitness of such applicant for a license.

B. 1. On and after February 1, 2015, the original application and any license renewal shall be accompanied by a fee of:

- a. Three Hundred Dollars (\$300.00) for an unarmed bail enforcer license, or
- b. Four Hundred Dollars (\$400.00) for an armed bail enforcer license.

If an individual does not qualify for the type of license or renewal license requested, the Council shall retain twenty percent (20%) of the licensing fee as a processing fee and refund the remaining amount to the individual or agency submitting payment. In addition to the fees provided in this subsection, the original application for a bail enforcer license shall be accompanied by a nonrefundable fee for a national criminal history record check with fingerprint analysis, as provided in Section 150.9 of Title 74 of the Oklahoma Statutes.

2. A licensee whose license has been suspended may apply for reinstatement of license after the term of the suspension has passed, if otherwise qualified. Any application for reinstatement following a suspension of licensure shall be accompanied by a nonrefundable fee of:

- a. One Hundred Dollars (\$100.00) for the reinstatement of an unarmed bail enforcer license, or
- b. One Hundred Fifty Dollars (\$150.00) for an armed bail enforcer license.

A revoked license shall not be reinstated.

3. ~~A licensee who fails to file a~~ Any renewal application on or before the expiration of a license received after the expiration date of the license shall pay be accompanied by a nonrefundable late fee of Fifty Dollars (\$50.00) for an unarmed bail enforcer license and a late fee of One Hundred Dollars (\$100.00) for an armed bail enforcer license. A license application received more than thirty (30) days after the expiration date is not renewable and the applicant must complete a new application.

4. The fees charged and collected, including portions of fees retained as processing fees, pursuant to the provisions of this section shall be deposited to the credit of the CLEET Bail Enforcement Revolving Fund created pursuant to Section ~~21~~ 1350.20 of this ~~act~~ title.

C. On and after February 1, 2015, a bail enforcer license or armed bail enforcer license shall be valid for a period of three (3) years and may be renewed for additional three-year terms.

D. The Council shall devise a system for issuance of licenses for the purpose of evenly distributing the expiration dates of the licenses.

E. Pursuant to rule, the Council may issue a duplicate license to a person licensed pursuant to the provisions of the Bail Enforcement and Licensing Act. On and after February 1, 2015, the Council may assess a fee of Twenty-five Dollars (\$25.00) for the issuance of a duplicate license. The fee shall accompany the request for a duplicate license. All duplicate license fees shall be deposited to the credit of the CLEET Bail Enforcement Revolving Fund created pursuant to Section 1350.20 of this title.

SECTION 2. AMENDATORY Section 15, Chapter 407, O.S.L. 2013, as amended by Section 9, Chapter 373, O.S.L. 2014 (59 O.S. Supp. 2018, Section 1350.14), is amended to read as follows:

Section 1350.14. The Council on Law Enforcement Education and Training (CLEET) or its employees shall not disclose application information pertaining to applicants or persons licensed pursuant to the Bail Enforcement and Licensing Act, except:

1. To verify the current license status of an applicant or licensee to the public;
2. As may be necessary to perform duties or comply with rules or law pursuant to the Bail Enforcement and Licensing Act;
3. To a bona fide law enforcement agency or judicial authority, upon request;
4. To an insurance company licensed in this state for purposes of issuing a bond for licensure or for claims purposes;
5. To provide the published name, address and phone number, upon request by the public; provided, however, CLEET may withhold the physical residence address of an applicant or licensee from the public when the applicant or licensee has so requested and has provided CLEET a business or alternative address for public dissemination; ~~or~~

6. As required by court order;

7. To provide final orders where an applicant or licensee was the respondent in or was the subject of an administrative proceeding initiated by CLEET; or

8. To provide information regarding application information to the agency employing a licensee including, but not limited to, information and/or documentation requested by CLEET from the applicant or licensee to complete the application process.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 1750.3A, is amended to read as follows:

Section 1750.3A. A. Each applicant for an armed security guard license or armed private investigator license shall be administered any current standard form of the Minnesota Multiphasic Personality Inventory (MMPI), or other psychological evaluation instrument approved by the Council on Law Enforcement Education and Training, which shall be administered during the firearms training phase required by Section 1750.3 of this title. The security training school administering such instrument shall forward the response data to a psychologist licensed by the Oklahoma State Board of Examiners of Psychologists for evaluation. The licensed psychologist shall be of the applicant's choice. Applicants with comparable training shall complete the psychological test and evaluation requirements prior to licensing. It shall be the responsibility of the applicant to bear the cost of the psychological evaluation.

B. If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment, restraint, and self-control, after evaluating the data, the psychologist shall employ whatever other psychological measuring instruments or techniques deemed necessary to form a professional opinion. The use of any psychological measuring instruments or techniques shall require a full and complete written explanation to the Council on Law Enforcement Education and Training.

C. The psychologist shall forward a written psychological evaluation, on a form prescribed by the Council, to the Council within fifteen (15) days of the evaluation, even if the applicant is found to be psychologically at risk. The Council may utilize the

results of the psychological evaluation for up to six (6) months from the date of the evaluation after which the applicant shall be reexamined. No person who has been found psychologically at risk in the exercise of appropriate judgment, restraint, or self-control shall reapply for ~~certification~~ licensing until one (1) year from the date of being found psychologically at risk.

D. 1. Active full-time peace officers who have been certified as full-time peace officers by the Council on Law Enforcement Education and Training shall be exempt from the provisions of this section.

2. Retired full-time peace officers who have been certified as full-time peace officers by the Council on Law Enforcement Education and Training shall be exempt from the provisions of this section for a period of one (1) year from retirement.

3. Retired peace officers who are not exempt from this section and who have previously undergone treatment for a mental illness, condition, or disorder which required medication or supervision, as defined by paragraph 7 of Section 1290.10 of Title 21 of the Oklahoma Statutes may apply for an armed security guard license or armed private investigator license only after three (3) years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person is either no longer disabled by any mental or psychiatric illness, condition, or disorder or that the person has been stabilized on medication for ten (10) years or more.

E. The Council on Law Enforcement Education and Training shall not issue or renew an armed security guard license, armed private investigator license, armed bail enforcer license or any other license permitting a person to carry a firearm or weapon if the applicant has been involuntarily committed for a mental illness, condition or disorder pursuant to the provisions of Section 5-410 of Title 43A of the Oklahoma Statutes or any involuntary commitment in another state pursuant to the provisions of law of that state. The preclusive period shall be permanent as provided by Section 922(g) (4) of Title 18 of the United States Code, unless the person has been granted relief from the disqualifying disability pursuant to Section 1290.27 of Title 21 of the Oklahoma Statutes.

SECTION 4. AMENDATORY 59 O.S. 2011, Section 1750.5, as last amended by Section 11, Chapter 373, O.S.L. 2014 (59 O.S. Supp. 2018, Section 1750.5), is amended to read as follows:

Section 1750.5. A. Licenses authorized to be issued by the Council on Law Enforcement Education and Training (CLEET) shall be as follows:

1. Security Agency License;
2. Investigative Agency License;
3. Private Investigator License (unarmed);
4. Security Guard License (unarmed);
5. Armed Security Guard License;
6. Special Event License (unarmed);
7. Armed Private Investigator License;
8. Bail Enforcer License; and
9. Armed Bail Enforcer License.

B. Any qualified applicant meeting the requirements for more than one of the positions of private investigator, security guard, armed security guard, bail enforcer, or armed bail enforcer may be issued a separate license for each position for which qualified, or in the discretion of the Council, a combination license provided the required license fees are paid.

C. 1. A private investigator may carry a firearm, if the private investigator also performs the functions of an armed security guard, under the authority of the armed security guard license.

2. If the private investigator performs no functions of an armed security guard, the Council may issue an armed private investigator license. If a person has been issued an armed private investigator license, the Council may issue an armed bail enforcer

license if the applicant is otherwise eligible and qualified. The applicant for an armed private investigator license must complete Phase I, III and IV training and pass the psychological examination and state test; provided however, active certified peace officers and retired certified peace officers shall be exempt from the psychological examination as provided in Section 1750.3A of this title, and active certified peace officers of any state, county or municipal law enforcement agency in this state shall be exempt from the Phase I, III and IV training and state test for an armed private investigator. The Council will charge the same fee for the armed private investigators license as the cost of the armed security guard license; provided however, an active certified peace officer who is an applicant for an armed private investigator or armed security guard license shall be charged only twenty percent (20%) of the required fee.

3. Any person issued an armed private investigator license may carry a concealed or unconcealed firearm when on and off duty, provided the person is in possession of a valid driver license and a valid armed private investigator license.

4. Any person issued an armed bail enforcer license may carry a concealed approved pistol, or may open-carry an approved pistol with a visible bail enforcer badge affixed to the holster or belt immediately next to the firearm while wearing clearly marked apparel designating the person as a "Bail Enforcer" or "Bail Enforcement" when actively engaged in the recovery of a defendant, subject to all rules for use and conduct of firearms promulgated by the Council. An armed bail enforcer shall be permitted to carry a concealed pistol when not actively engaged in the recovery of a defendant provided the bail enforcer badge authorized or issued by CLEET and a state-issued driver license or identification card are in the possession of the person while carrying the firearm.

D. Any identification card or badge issued to a person meeting the license requirements for an armed security guard, an armed private investigator or armed bail enforcer shall be distinct and shall explicitly state that the person is authorized to carry a firearm pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act or the Bail Enforcement and Licensing Act. Upon receipt of the license and identification card, the armed security guard, armed private investigator or armed bail enforcer is

authorized to carry a firearm subject to the respective provisions of the Oklahoma Security Guard and Private Investigator Act or the Bail Enforcement and Licensing Act and the rules promulgated by the Council.

E. The Council may issue a conditional license to a person employed by a security or investigative agency ~~as~~ under the conditions set forth in this subsection, this statute and procedures and/or rules established by CLEET. A conditional training license may be issued to a trainee for ~~a~~ an unarmed security guard, ~~armed security guard,~~ or unarmed private investigator position, or armed private investigator position when the person has submitted a properly completed application, made under oath, subject to the ~~following conditions:~~ conditions set forth below. The Council may also issue a conditional license pending background investigation for an unarmed security guard, armed security guard, unarmed private investigator position or armed private investigator position when the person has submitted a properly completed application, made under oath, including all required documentation pending the completed Federal Bureau of Investigation fingerprint check subject to the conditions set forth below, in this statute and procedures established by CLEET.

1. A conditional license, either for training or pending background investigation, shall authorize employees to perform the same functions that regular unarmed licensees perform, but subject to supervision by the employing agency as the Council may prescribe;

2. The holder of a conditional training license shall complete the necessary training requirements within one hundred eighty (180) days from the effective date of the conditional license, after which the conditional license shall expire;

3. ~~The~~ A holder of ~~a~~ any type of conditional license as an armed security guard or armed private investigator shall not carry a firearm in the performance of duties until after completing ~~a~~ the required course of training including firearms training as prescribed by the Council, the completion of the required background check and application process illustrating that the applicant meets all requirements for the requested license, and having been issued a regular license by the Council;

4. A conditional license may be renewed at the discretion of the Council, if necessary to allow an applicant to complete any training required for a regular license;

5. A conditional license, whether for training or pending background investigation may be denied, suspended or withdrawn at the discretion of CLEET. Notwithstanding any other provisions of law, a conditional license is not an individual proceeding and is not subject to the Administrative Procedure Act, as provided for in Section 250 et seq. of Title 75 of the Oklahoma Statutes. CLEET may deny, suspend or withdraw a conditional license by mailing, by United States Postal Service mail, a letter of withdrawal to the applicant's address on file with CLEET and to the employing agency;

6. Whenever a conditional license is issued by CLEET, the license or documentation provided to the conditional licensee shall prominently state "CONDITIONAL LICENSE" and "HOLDER IS NOT PERMITTED TO CARRY A FIREARM";

7. When the Council finds that a conditional license holder has completed the required training and is otherwise qualified for a license pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act, the Council shall issue a regular license; and

~~6.~~ 8. The Council shall be prohibited from issuing a conditional license to a bail enforcer under the Bail Enforcement and Licensing Act.

F. A Security Agency License may be issued to an individual, corporation, or other legal entity meeting the following qualifications:

1. If the license is to be issued in the name of a legal entity other than a natural person, the applicant must furnish proof that the entity is legally recognized, such as the issuance of a corporate charter; and

2. The executive officer, manager, or other person in charge of supervising security guards in the performance of their duties shall be a licensed security guard.

G. An Investigative Agency License may be issued to an individual, corporation, or other legal entity meeting the following qualifications:

1. If the license is to be issued in the name of a legal entity other than a natural person, the applicant must furnish proof that the entity is legally recognized, such as the issuance of a corporate charter;

2. Any person, otherwise qualified, may own a private investigation agency; and

3. A self-employed private investigator who employs no other investigators shall also be licensed as an investigative agency, but shall only be required to be insured or bonded as a self-employed private investigator.

H. A Security Guard License, Armed Security Guard License, Private Investigator License, Armed Private Investigator License, or combination thereof may be issued to an applicant meeting the following qualifications. The applicant shall:

1. Be a citizen of the United States or an alien legally residing in the United States;

2. Be at least eighteen (18) years of age, except that an applicant for an Armed Security Guard License or Armed Private Investigator License shall be at least twenty-one (21) years of age;

3. Have successfully completed training requirements for the license applied for, as prescribed by the Council;

4. Be of good moral character;

5. Not have a record of a felony conviction, entry of a plea of guilty, nolo contendere, an "Alford" plea, or any plea other than a not guilty plea in a felony case naming the applicant as a defendant;

6. Not have a record of conviction, entry of a plea of guilty, nolo contendere, an "Alford" plea, or any plea other than a not guilty plea for larceny, theft, false pretense, fraud, embezzlement,

false personation of an officer, any offense involving moral turpitude, any offense involving a minor as a victim, any nonconsensual sex offense, any offense involving the possession, use, distribution, or sale of a controlled dangerous substance, any offense involving a firearm, or any other offense as prescribed by the Council, as provided herein.

- a. If any conviction, entry of a plea of guilty, nolo contendere, an "Alford" plea, or any plea other than a not guilty plea which disqualifies an applicant occurred more than five (5) years prior to the application date and the Council is convinced the offense constituted an isolated incident and the applicant has been rehabilitated, the Council may, in its discretion, waive the ~~conviction~~ disqualification as provided for in this paragraph and issue an unarmed security guard license or ~~a~~ an unarmed private investigator license, but shall not issue an armed guard license or an armed private investigator license to the applicant if the ~~felony~~ charge involved the use of a firearm or was violent in nature or if the applicant has a felony conviction.
- b. If an Oklahoma State Bureau of Investigation records check and a local records check reveal that there are no felony convictions, criminal convictions involving moral turpitude, or any other ~~disqualifying convictions~~ potential disqualifiers as specified in the Oklahoma Security Guard and Private Investigator Act or prescribed by the Council, then the Council may conditionally issue ~~an armed~~ a security guard license or private investigator license pending completion of the criminal history and background check.
- c. Under oath, the applicant shall certify that he or she has no disqualifying convictions, entry of a plea of guilty, nolo contendere, an "Alford" plea, or any plea other than a not guilty plea for a disqualifying charge as specified in the Oklahoma Security Guard and Private Investigator Act or by the Council.

- d. The applicant shall further meet all other qualifications.
- e. If upon completion of the required background investigation it is discovered that a disqualifying conviction, entry of a plea of guilty, nolo contendere, an "Alford" plea or any plea other than a not guilty plea for a disqualifying charge exists, the Council shall immediately revoke the ~~armed~~ security guard license or the private investigator license of the applicant or withdraw the conditional license of the applicant;

7. Make a statement that the applicant is not currently undergoing treatment for a mental illness, condition, or disorder, make a statement whether the applicant has ever been adjudicated incompetent or committed to a mental institution, and make a statement regarding any history of illegal drug use or alcohol abuse. Upon presentation by the Council on Law Enforcement Education and Training of the name, gender, date of birth, and address of the applicant to the Department of Mental Health and Substance Abuse Services, the Department of Mental Health and Substance Abuse Services shall notify the Council within ten (10) days whether the computerized records of the Department indicate the applicant has ever been involuntarily committed to an Oklahoma state mental institution. In the event that the Department of Mental Health and Substance Abuse Services reports to the Council that the applicant has been involuntarily committed, the Council shall immediately inform the employing agency. For purposes of this subsection, "currently undergoing treatment for a mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician or psychologist as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist; ~~and~~

8. Make a statement regarding misdemeanor domestic violence charges;

9. Not be a defendant in a disqualifying charge that is pending in any court in this state, another state, tribal court or pursuant

to the United States Code. For the purposes of this section, "pending" includes currently being subject to a deferred sentence; and

10. Not be the subject of an order deferring imposition of judgment and sentence in any court in this state, another state, tribal court or pursuant to the United States Code for a disqualifying charge.

I. A special event license may be issued to an employee of a security agency who is hired on a temporary basis as an unarmed security guard for a particular event. An application for a special event license shall be made by the agency employing the applicant. The agency shall certify to the Council that the applicant meets the qualifications for security guards, pursuant to subsection H of this section.

J. 1. All persons and agencies shall obtain and maintain liability coverage in accordance with the following minimum standards:

- a. general liability insurance coverage for bodily injury, personal injury, and property damage, with endorsements for personal injury including false arrest, libel, slander, and invasion of privacy, or
- b. a surety bond that allows persons to recover for actionable injuries, loss, or damage as a result of the willful, or wrongful acts or omissions of the principal and protects this state, its agents, officers and employees from judgments against the principal or insured licensee, and is further conditioned upon the faithful and honest conduct of the principal's business.

2. Liability coverages and bonds outlined in this section shall be in the minimum amounts of One Hundred Thousand Dollars (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for armed security guards and armed private investigators, or combination armed license; and Five Thousand Dollars (\$5,000.00) for unarmed security guards and self-employed unarmed private investigators who employ no other investigators.

3. Security agencies and investigative agencies shall ensure that all employees of these agencies have met the minimum liability coverages as prescribed in this section.

4. Insurance policies and bonds issued pursuant to this section shall not be modified or canceled unless ten (10) days' prior written notice is given to the Council. All persons and agencies insured or bonded pursuant to this section shall be insured or bonded by an insurance carrier or a surety company licensed in the state in which the insurance or bond was purchased, or in this state.

5. In lieu of the requirements of this subsection, the Council may accept a written statement from a corporation which is registered with the Oklahoma Secretary of State attesting that the corporation self-insures the general operation of business for the types of liability set out in paragraphs 1 and 2 of this subsection.

K. Upon written notice, any license may be placed on inactive status.

L. Similar or duplicate agency names will not be issued. Each agency name must be distinguishably different.

SECTION 5. AMENDATORY 59 O.S. 2011, Section 1750.6, as last amended by Section 1, Chapter 398, O.S.L. 2014 (59 O.S. Supp. 2018, Section 1750.6), is amended to read as follows:

Section 1750.6. A. 1. Application for a license shall be made on forms provided by the Council on Law Enforcement Education and Training and shall be submitted in writing by the applicant under oath. The application shall require the applicant to furnish information reasonably required by the Council to implement the provisions of the Oklahoma Security Guard and Private Investigator Act, including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record, including, but not limited to, a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

2. Upon request of the Council, the Oklahoma State Bureau of Investigation and other state and local law enforcement agencies

shall furnish a copy of any existent criminal history data relating to an applicant, including investigation reports which are otherwise required by law to be deemed confidential, to enable the Council to determine the qualifications and fitness of such applicant for a license.

- B. 1. a. An original application and any license renewal shall be accompanied by a fee of Fifty Dollars (\$50.00) for each original application and renewal of a private investigator or an unarmed security guard, One Hundred Dollars (\$100.00) for each original application and renewal of an armed security guard or an armed private investigator; provided however, an active certified peace officer upon application or renewal of an armed security guard or armed private investigator shall be charged only twenty percent (20%) of the required fee, Seven Dollars (\$7.00) for each special event license, and Three Hundred Dollars (\$300.00) for either the original application or each renewal for a security agency or investigative agency. If an individual or agency does not qualify for the type of license or renewal license requested, CLEET shall retain twenty percent (20%) of the licensing fee as a processing fee and refund the remaining amount, if any, to the remitter. The individual license fee paid by a licensed agency will be refunded to the agency.
- b. In addition to the fees provided in this subsection, the original application of an unarmed private investigator, unarmed security guard, armed security guard or armed private investigator shall be accompanied by a nonrefundable fee for a national criminal history record with fingerprint analysis, as provided in Section 150.9 of Title 74 of the Oklahoma Statutes.
- c. A refund request for any reason other than disqualification or denial shall be made in writing and submitted within six (6) months of the date payment was received.

2. A licensee whose license has been suspended may apply for reinstatement of license after the term of the suspension has passed. Any application for reinstatement following a suspension of licensure shall be accompanied by a nonrefundable fee of Twenty-five Dollars (\$25.00) for the reinstatement of a private investigator or unarmed security guard, Fifty Dollars (\$50.00) for the reinstatement of an armed security guard or armed private investigator, and Two Hundred Dollars (\$200.00) for reinstatement of a security or investigative agency.

3. A licensee who fails to file a renewal application on or before the expiration of a license shall pay a non-refundable late fee of Twenty-five Dollars (\$25.00) for an individual license and a late fee of One Hundred Dollars (\$100.00) for an agency license. A license application received more than thirty (30) days after the expiration date is not renewable and the applicant must complete a new application.

4. The fees charged and collected pursuant to the provisions of this subsection shall be deposited to the credit of the CLEET Private Security Revolving Fund. The prevailing fingerprint processing fee for the original application for a private investigator, an unarmed security guard, an armed security guard or an armed private investigator shall be deposited in the OSBI Revolving Fund.

C. A Security Guard License, Armed Security Guard License, Private Investigator License, or Armed Private Investigator License shall be valid for a period of three (3) years and may be renewed for additional three-year terms. A Security Agency License or Investigative Agency License shall be valid for a period of five (5) years and may be renewed for additional five-year terms. A special event license shall be valid only for the duration of the event for which it is expressly issued. Any individual may be issued up to two special event licenses during any calendar year.

D. The Council shall devise a system for issuance of licenses for the purpose of evenly distributing the expiration dates of the licenses.

E. Pursuant to its rules, the Council may issue a duplicate license to a person licensed pursuant to the provisions of the

Oklahoma Security Guard and Private Investigator Act. The Council may assess a fee of ~~Eight Dollars (\$8.00)~~ Ten Dollars (\$10.00) for the issuance of a duplicate license. The fee must accompany the request for a duplicate license.

SECTION 6. AMENDATORY 59 O.S. 2011, Section 1750.7, is amended to read as follows:

Section 1750.7. A. A Security Guard License, Armed Security Guard License, Private Investigator License, and any conditional license shall be subject to denial, suspension, ~~or~~ revocation ~~and/or~~, disciplinary penalty or fine by the Council on Law Enforcement Education and Training subject to the Administrative Procedures Act for, but not limited to, the following reasons by clear and convincing evidence:

1. ~~Any erroneous or false statement~~ Falsification or a willful misrepresentation of information in:

- a. an employment application for a license submitted pursuant to Section 1750.1 et seq. of this title or application to the Council on Law Enforcement Education and Training,
- b. records of evidence, or
- c. testimony under oath;

2. Failure to successfully complete any prescribed course of training as required by the Council;

3. Violation of a provision of the Oklahoma Security Guard and Private Investigator Act or a rule promulgated pursuant to the act;

4. A conviction, entry of a plea of guilty, nolo contendere, an "Alford" plea or any plea other than a not guilty plea for larceny, theft, embezzlement, false pretense, fraud, ~~an~~ false personation of a peace officer, any offense involving moral turpitude, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a

firearm, ~~or~~ any felony or any other offense as prescribed by the Council;

5. Use of beverages containing alcohol while armed with a firearm;

6. Knowingly impersonating a law enforcement officer; ~~or~~

7. Failure to obtain or maintain liability insurance coverage or a surety bond pursuant to subsection J of Section 1750.5 of this title; or

8. Revocation or voluntary surrender of reserve peace officer or peace officer certification, private security guard license, private investigator license or bail enforcer license in any state for a violation of any law or rule or pursuant to a settlement of any disciplinary action in such state.

B. A Security Agency License or Investigative Agency License shall be subject to denial, suspension, or revocation ~~and/or,~~ disciplinary penalty or fine by the Council subject to the Administrative Procedures Act for, but not limited to, the following reasons by clear and convincing evidence:

1. ~~A false statement in a license~~ Falsification or a willful misrepresentation of information in:

a. an employment application or application to the Council on Law Enforcement Education and Training,

b. records of evidence, or

c. testimony under oath;

2. Violation of any provision of the Oklahoma Security Guard and Private Investigator Act or a rule adopted pursuant thereto;

3. Employing, authorizing, or permitting an unlicensed, uninsured or unbonded person to perform a security guard, armed security guard, unarmed private investigator or armed private investigator function; ~~or~~

4. Permitting a person to perform a security guard, armed security guard, unarmed private investigator or armed private investigator function, knowing the person has committed any offense enumerated in subsection A of this section; or

5. Revocation or voluntary surrender of reserve peace officer or peace officer certification, private security guard license, private investigator license or bail enforcer license in any state for a violation of any law or rule or pursuant to a settlement of any disciplinary action in such state.

C. Upon the effective date of suspension or revocation of any license, the licensee shall have the duty to surrender the license and any identification card issued pursuant thereto to the Council.

SECTION 7. AMENDATORY 59 O.S. 2011, Section 1750.8, is amended to read as follows:

Section 1750.8. A. No person who is exempt from the provisions of ~~Section 1750.1 et seq. of this title~~ the Oklahoma Security Guard and Private Investigator Act shall display any badge or identification card bearing the words "private investigator" or "private detective", or use any words or phrases that imply that such person is a private investigator or private detective.

B. No person licensed as a private investigator shall:

1. Divulge any information gained by ~~him~~ the private investigator in his or her employment except as ~~his~~ the employer of the private investigator may direct or as ~~he~~ the private investigator may be required by law to divulge; or

2. Willfully make a false report to ~~his~~ the employer of the private investigator or to a client.

Any violation of this subsection, upon conviction, shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

C. The Council on Law Enforcement Education and Training or its employees shall not disclose application information pertaining to persons licensed pursuant to this act, except:

1. To verify the current license status of any applicant or licensee to the public;

2. To perform duties pursuant to ~~this act~~ the Oklahoma Security Guard and Private Investigator Act;

3. To a bona fide law enforcement agency;

4. To a licensing authority in another jurisdiction; ~~or~~

5. As required by court order;

6. To provide final orders where an applicant or licensee was the respondent in or was the subject of an administrative proceeding initiated by the Council; or

7. To provide information regarding application information to the agency employing a licensee including, but not limited to, the information and/or documentation requested by CLEET from the applicant or licensee to complete the application process.

SECTION 8. This act shall become effective November 1, 2019.

Passed the Senate the 18th day of February, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____